

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LISA C. NEAL, an individual,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

No. 3:20-cv-06025

PROPOSED ORDER GRANTING
DEFENDANT CITY OF BAINBRIDGE
ISLAND'S MOTION TO DISMISS
PLAINTIFF'S CLAIMS OR, IN THE
ALTERNATIVE, BIFURCATION OF
PRA CLAIMS

This matter having come before the Court on Defendant City of Bainbridge Island's Motion to Dismiss Plaintiff's Claims or, in the Alternative, Summary Judgment, or Bifurcation and Remand of PRA Claims, and the Court having considered the Motion and argument, and the following pleadings:

1. Pleadings filed in this matter, Cause No. 3:20-cv-06025;
2. Defendant City of Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims, including the following documents referred to and relied on in Plaintiff's Amended Complaint, Dkt. 3:

APPENDIX A: City of Bainbridge Island Ordinance No. 2019-1, amending BIMC 2.16.210E.1 (effective Jan. 16, 2019); BIMC 2.16.210.

APPENDIX B: Video Excerpt of August 14, 2018 City of Bainbridge Island City Council Meeting, time stamp 4:05:46 to 4:21:51;

APPENDIX C: Excerpts of Public Records Requests, responses and related communication between Plaintiff and the City referenced regarding Plaintiff's PRA claim.

3. Plaintiff's Opposition to Defendant City of Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims (if any);

4. Defendant's Reply to Plaintiff's Opposition to Defendant City of Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims (if any);

5. _____;

6. _____; and

7. _____.

And this Court finding itself fully informed, hereby **GRANTS** Defendant City of Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims and **ORDERS** the following claims be dismissed on procedural and/or substantive grounds:

☐ Plaintiff's Complaint is dismissed as a matter of law for failure to effect service and properly invoke jurisdiction of this court

The Court further **ORDERS** the following claims are dismissed as a matter of law pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim for which relief can be granted:

☐ 42 U.S.C. 1983 claim based on First Amendment, Dkt. 3, ¶¶ 4.2-4.8;

☐ Defamation, Dkt. 3, ¶¶ 5.2-5.6

☐ Defamation per se, RCW 7.96.040, Dkt. 3, ¶ 5.7

☐ Negligent Infliction of Emotional Distress, Dkt. 3, ¶¶ 6.2-6.3

☐ Intentional Infliction of Emotional Distress Dkt. 3, ¶¶ 6.2-6.3

☐ ANTI-SLAPP, RCW 4.24.510 Dkt. 3, ¶¶ 8.2-8.4

☐ Violation of Public Records Act, RCW Ch. 42.56, Dkt. 3, ¶¶ 7.2-7.8

In the alternative, regarding Plaintiff's claims based on the Public Records Act, RCW

Ch. 42.56, Dkt. 3, ¶¶7.2-7.8, the Court:

☐ Declines to exercise supplemental jurisdiction over these State law claims and therefore dismisses them without prejudice to re-file in State court;

☐ Orders these claims bifurcated from Plaintiff's remaining claims to proceed as a non-jury action.

DONE IN OPEN COURT THIS ____ DAY OF _____, 2021.

The Honorable Robert S. Lasnik

Presented by:

KEATING BUCKLIN & MCCORMACK, INC., P.S.

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